



# City of NORFOLK

C: Dir., Department of City Planning

To the Honorable Council  
City of Norfolk, Virginia

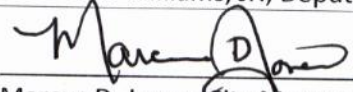
January 12, 2016

From: George M. Homewood, AICP, CFM, Planning Director

Subject: **Special exception to operate an automobile and truck repair facility at 5633 E. Virginia Beach Boulevard – JM&M Automotive**

Reviewed:   
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 4/7

Approved:   
Marcus D. Jones, City Manager

Item Number:

**R-9**

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **6 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** Special exception – automobile and truck repair.
- IV. **Applicant:** JM&M Automotive
- V. **Description:**
  - Automobile Sales and Service is permitted in the C-2 district by special exception.
    - The applicant is proposing to fleet maintenance, and not servicing the general public.

	Proposed
Hours of Operation	7:30 a.m. to 5:00 p.m., seven days a week

- The site contains a 3,814 square foot office building and a second building where the automobile repair would occur.
- In the Suburban Character area, offices are required to have one parking space per 250 square feet of building and automobile repair facilities are required to have three parking space per bay.
  - The office building is required to have 15 parking spaces.
  - There are three bays which would require nine parking spaces.
- There is a total of 26 spaces which exceeds the required parking.

Staff point of contact: Susan Pollock at 664-4765, [susan.pollock@norfolk.gov](mailto:susan.pollock@norfolk.gov)

**Attachments:**

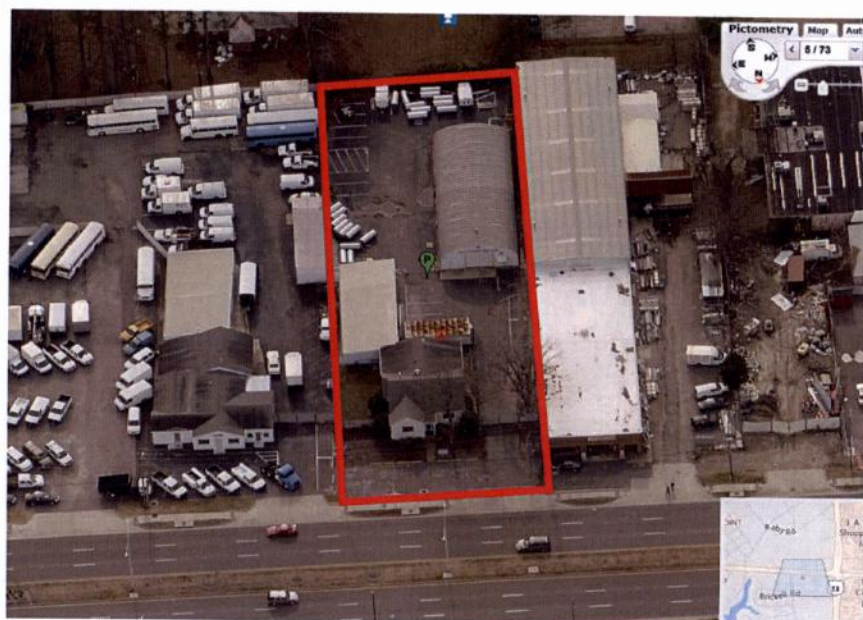
- Staff Report to CPC dated December 10, 2015 with attachments
- Proponents and Opponents
- Ordinance

**Planning Commission Public Hearing: December 10, 2015**

Executive Secretary: George M. Homewood, AICP, CFM

Planner: Susan Pollock Hart, CFM

Staff Report	Item No. 7	
Address	5633 East Virginia Beach Boulevard	
Applicant	JM&M Automotives	
Request	Special Exception	Automobile and Truck Repair
Property Owner	Joseph E. Kenner	
Site Characteristics	Site/Building Area	31,101 sq. ft./3,864 sq. ft.
	Zoning	C-2 (Corridor Commercial)
	Future Land Use	Commercial
	Neighborhood	Poplar Hall
	Character District	Suburban
Surrounding Area	North	C-2: Moving service; automobile repair; beauty salon
	East	C-2: Automobile sales
	South	R-6 (Single -Family): Single-family homes
	West	C-2: Kitchen and bath wholesaler





#### A. Summary of Request

The applicant proposes to operate an automobile repair facility for fleet maintenance.

#### B. Plan Consistency

- The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as commercial.
- The Identifying Land Use Strategies chapter of *plaNorfolk2030* includes an action calling for the city to work to bring existing automobile sales and repair establishments into compliance with applicable codes, with an emphasis on buffering, landscaping, and parking.
  - In order to be fully consistent with *plaNorfolk2030*, improvements should be made to this site to bring it closer to compliance with applicable codes.

#### C. Zoning Analysis

##### i. General

- The use is permitted in the C-2 district by special exception.

	Proposed
Hours of Operation	7:30 a.m. to 5:00 p.m., seven days a week

##### ii. Parking

- The site contains a 3,814 square foot office building and a second building where the automobile repair would occur.
- In the Suburban Character area, offices are required to have one parking space per 250 square feet of building and automobile repair facilities are required to have three parking space per bay.
  - The office building is required to have 15 parking spaces.
  - There are three bays which would require nine parking spaces.
- There is a total of 26 spaces which exceeds the required parking.

##### iii. Flood Zone

The property is located in the X (Low to Moderate) Flood Zone which is a low risk flood zone.

#### D. Transportation Impacts

Institute of Transportation Engineers (ITE) figures estimate that a proposed automotive and truck repair operation on this site will generate 61 new vehicle trips per day.

#### E. Impact on the Environment

- The applicant proposes to install an eight foot tall opaque fence along the rear property line to buffer the site from the adjacent residential.

- There is currently a ten-foot wide planted buffer area abutting the front of the building along East Virginia Beach Boulevard, and some additional plantings along the rear property line of the site to accommodate stormwater management.

#### F. Impact on Surrounding Area/Site

- The site is surrounded to the east and west sides by commercial uses as well as across East Virginia Beach Boulevard.
  - Buildings on the adjacent properties to the east and west sit on the side property lines and act as a buffer for this site.
  - The applicant is proposing an eight-foot opaque fence along the rear property line in addition to the existing landscaping to buffer the residential properties to the rear.
- There have been no calls for police service or crime reports at this location over the past year.

#### G. Payment of Taxes

The owner of the property is current on all real estate taxes.

#### H. Civic League

The application was sent to the Poplar Hall Civic League on October 27.

#### I. Communication Outreach/Notification

- Legal notice was posted on the property on November 3.
- Letters were mailed to all property owners within 300 feet of the property on November 25.
- Legal notification was placed in *The Virginian-Pilot* on November 26 and December 3.

#### J. Recommendation

Staff recommends that the request for a special exception to operate an automobile and truck repair facility be **approved** subject to the conditions listed below:

- (a) The hours of operation for the facility shall be from 7:30 a.m. until 5:00 p.m., seven days a week.
- (b) The site shall only be used for fleet maintenance and shall not be open to the general public.
- (c) The use of temporary signs shall comply with Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended). The use of feather flags, pennants, and streamers is prohibited.
- (d) Subject to any limitation or preemption that may exist by operation of state law, an oil/water separator or other device approved by the city's Department of Public Works sufficient to capture leaks or spills related to the operation of the facility shall be installed and a hazardous materials management plan shall be prepared and submitted to the Department of Planning detailing the methods to be employed on the property in order to minimize the infiltration into groundwater or surface waters of petroleum-based materials or other waste associated



with the dispensing and handling of fuel or other potentially hazardous liquids. The use allowed by this special exception shall not commence until after this management plan is approved. Once approved, the plan shall be fully and continuously implemented.

- (e) All nonconforming fences and signs on the site shall be removed.
- (f) There shall be no razor wire permitted on the site and any existing razor wire shall be removed.
- (g) Test driving of the vehicles shall not occur within the neighborhood located in the vicinity of the site.
- (h) The parking lot shall be striped in accordance with attached site plan, subject to any revisions required by the City to be made during the Site Plan Review process.
- (i) There shall be no storage of wrecked or inoperative vehicles in the building or on the property without a work order or an insurance claim form.
- (j) All repair work shall be done inside the building. No repair work may take place outside.
- (k) No exterior storage, placement or any otherwise display of tires or other vehicle parts is allowed.
- (l) Dumpsters shall be gated and not visible from any public right-of-way, and will be screened with masonry walls that complement the existing and proposed buildings.
- (m) During all hours of operation, the facility operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (n) The property shall be kept in a clean and sanitary condition at all times.
- (o) The establishment shall maintain a current, active business license at all times while in operation.
- (p) Subject to any limitation or preemption that may exist by operation of state law, an oil/water separator or other device approved by the city's Department of Public Works sufficient to capture leaks or spills related to the operation of the facility shall be installed and a hazardous materials management plan shall be prepared and submitted to the Department of Planning detailing the methods to be employed on the property in order to minimize the infiltration into groundwater or surface waters of petroleum-based materials or other waste associated with the dispensing and handling of fuel or other potentially hazardous liquids. The use allowed by this special exception shall not commence until after this management plan is

approved. Once approved, the plan shall be fully and continuously implemented.

**Attachments**

Location Map

Zoning Map

1000' radii map of similar automobile establishments

Application

Notice to the Poplar Hall Civic League

## **Proponents and Opponents**

### **Proponents**

Michael J. Bonin, Jr.  
2524 Prudden Trace  
Chesapeake, Virginia 23323

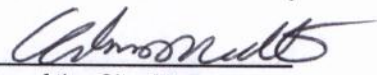
Joshua Stokes  
5374 Leicester Court  
Virginia Beach, VA 23462

### **Opponents**

None

Form and Correctness Approved: 

Contents Approved: 

By   
Office of the City Attorney

By   
DEPT.

NORFOLK, VIRGINIA

## ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT THE OPERATION OF AN AUTOMOBILE AND TRUCK REPAIR FACILITY NAMED "J M & M AUTOMOTIVE" ON PROPERTY LOCATED AT 5633 EAST VIRGINIA BEACH BOULEVARD.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to permit the operation of an Automobile and Truck Repair facility named "J M & M Automotive" on property located at 5633 East Virginia Beach Boulevard. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 100 feet, more or less, along the southern line of East Virginia Beach Boulevard beginning 300 feet, more or less, from the eastern line of Briar Hill Road and extending eastwardly; premises numbered 5633 East Virginia Beach Boulevard.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the facility shall be limited to 7:30 a.m. until 5:00 p.m., seven days per week. No use of the facility outside of the hours of operation listed herein shall be permitted.
- (b) The facility shall only be used for automobile and truck fleet maintenance work and shall not be open to the general public.
- (c) The use of temporary signs shall comply with Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended). The use of feather signs, flag signs, and pennants is expressly prohibited.



- (d) Subject to any limitation or preemption that may exist by operation of state law, an oil/water separator or other device approved by the city's Department of Public Works sufficient to capture leaks or spills related to the operation of the facility shall be installed and a hazardous materials management plan shall be prepared and submitted to the Department of Planning detailing the methods to be employed on the property in order to minimize the infiltration into groundwater or surface waters of petroleum-based materials or other waste associated with the dispensing and handling of fuel or other potentially hazardous liquids. The use allowed by this special exception shall not commence until after this management plan is approved. Once approved, the plan shall be fully and continuously implemented.
- (e) All nonconforming fences and signs on the site shall be removed.
- (f) There shall be no razor wire permitted on the site and any existing razor wire shall be removed.
- (g) Test driving of the vehicles shall not occur within the neighborhood located in the vicinity of the site.
- (h) The parking lot shall be striped in accordance with attached site plan, subject to any revisions required by the City to be made during the Site Plan Review process.
- (i) There shall be no storage of wrecked or inoperative vehicles in the building or on the property without a work order or an insurance claim form.
- (j) There shall be no storage of wrecked or inoperative vehicles in the building or on the property without a work order or an insurance claim form.
- (k) No vehicle associated with this facility shall be parked or displayed in any public right-of way, on any unimproved surface, or within any sight distance triangle.
- (l) All repair work shall be done inside the building.

No repair work may take place outside.

- (m) No exterior storage, placement or any otherwise display of tires or other vehicle parts is allowed.
- (n) All bollards on the site shall be painted and maintained free of visible corrosion.
- (o) Dumpsters shall be gated and not visible from any public right-of-way, and will be screened with masonry walls that complement the existing and proposed buildings.
- (p) During all hours of operation the establishment operator shall be responsible for maintaining the property, those portions of public rights-of-way improved by sidewalk, and those portions of any parking lot adjacent to and used by customers of the premises regulated by the Special Exception so as to keep such areas free of litter and refuse.
- (q) The property shall be kept in a clean and sanitary condition at all times.
- (r) The establishment shall maintain a current, active business license at all times while in operation.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare.



Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the



date of its adoption.

**Location Map**

E VIRGINIA BEACH BOULEVARD

E VIRGINIA BEACH BOULEVARD



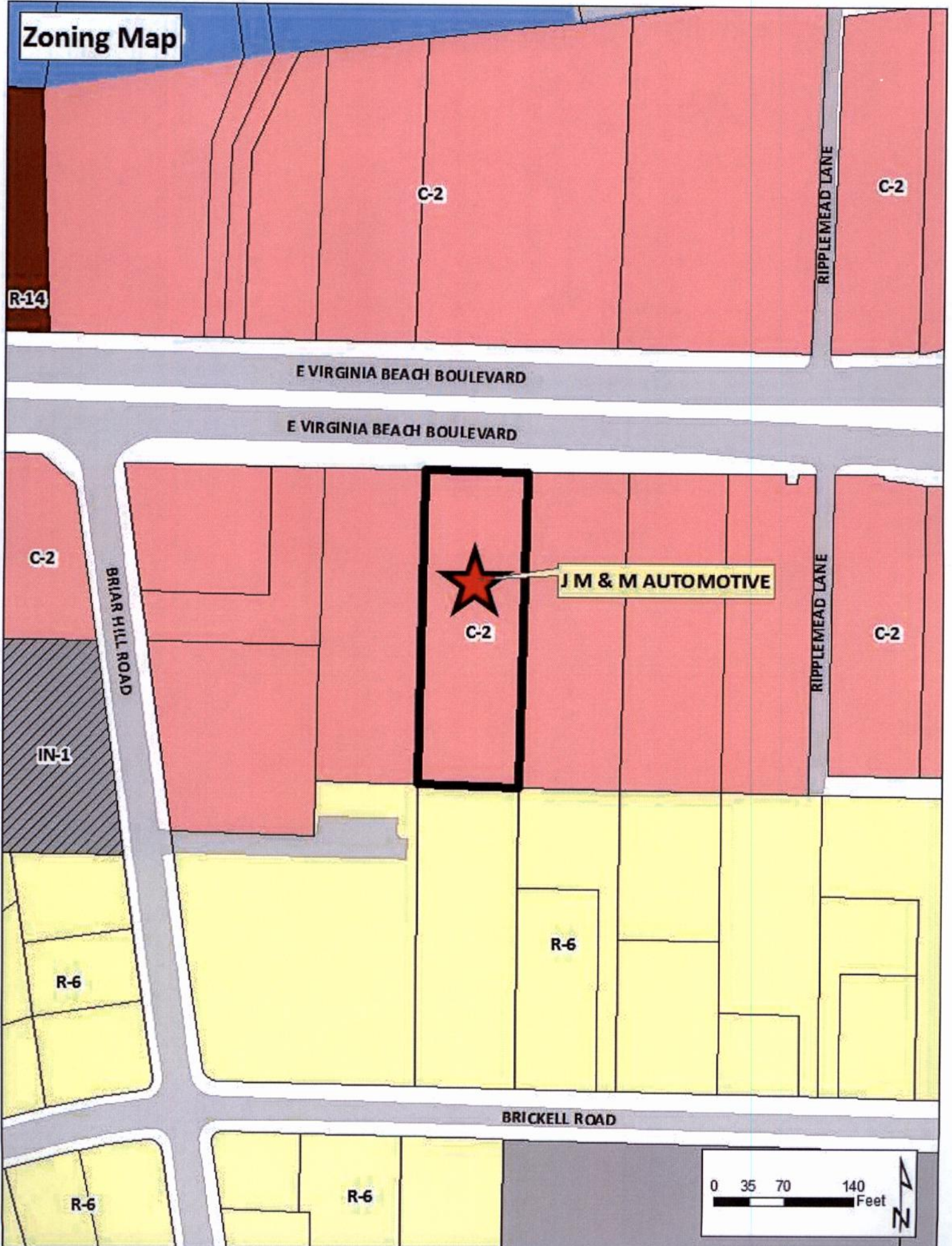
J M & M AUTOMOTIVE

0 15 30 60 Feet





# Zoning Map





Use Proximity Map

1000'

MERIDIAN LANE

E VIRGINIA BEACH BOULEVARD

E VIRGINIA BEACH BOULEVARD

J M & M AUTOMOTIVE

SPRINGHILL ROAD

BRIAR HILL ROAD

BRICKELL ROAD

DEEPDALE DRIVE

BROOKVILLE ROAD

N MILITARY HIGHWAY



Proposed Location



Automobile Repair Facility

0 80 160 320  
Feet





**APPLICATION  
SPECIAL EXCEPTION**

Special Exception for: Automotive (Fleet Maintenance)

Date of application: \_\_\_\_\_

**DESCRIPTION OF PROPERTY**

Property location: (Street Number) 5633 (Street Name) E Virginia Beach Blvd

Existing Use of Property Vehicle maintenance for electrical company

Current Building Square Footage 3864

Proposed Use Fleet Maintenance to be performed  
in existing Quonset.

Proposed Square Footage \_\_\_\_\_

Proposed Hours of Operation:

Weekday From 730 To 5

Friday From 730 To 5

Saturday From 730 To 5

Sunday From 730 To 5

Trade Name of Business (If applicable) J M + M Automotive

**DEPARTMENT OF CITY PLANNING**

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)



**APPLICANT**

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

1. Name of applicant: (Last) Loyd (First) Michael (MI) S

Mailing address of applicant (Street/P.O. Box): 5633 E Virginia Beach Blvd  
(City) Norfolk (State) Va (Zip Code) 23502

Daytime telephone number of applicant ( ) 724 4111 Fax ( ) \_\_\_\_\_

E-mail address of applicant: mikeandmikeservices@gmail.com

**AUTHORIZED AGENT (if applicable)**

(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) \_\_\_\_\_ (First) \_\_\_\_\_ (MI) \_\_\_\_\_

Mailing address of applicant (Street/P.O. Box): \_\_\_\_\_

(City) \_\_\_\_\_ (State) \_\_\_\_\_ (Zip Code) \_\_\_\_\_

Daytime telephone number of applicant ( ) \_\_\_\_\_ Fax ( ) \_\_\_\_\_

E-mail address of applicant: \_\_\_\_\_

**PROPERTY OWNER**

(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

3. Name of property owner. (Last) John (First) Kerner (MI) E.

Mailing address of property owner (Street/P.O. box): 100 Stafford Ct

(City) Williamsburg (State) VA (Zip Code) 23185

Daytime telephone number of owner ( ) 2061509 email: AHansen@kernergroup.com

**Application**

**DEPARTMENT OF CITY PLANNING**

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)



**CIVIC LEAGUE INFORMATION**

Civic League contact: Poplar Hall - Marvin Rawls Mabob - rawls@yahoo.com

Date(s) contacted: 10-5-15

Ward/Super Ward information: \_\_\_\_\_

**REQUIRED ATTACHMENTS:**

- ✓ Required application fee, **\$355.00** (if check, make payable to the City of Norfolk).
  - Application fee includes a non-refundable \$5 technology surcharge.
- ✓ One 8½ x 14 inch or 11 x 17 inch copy of a physical survey, drawn to scale and showing site conditions and improvements (including portions of the right-of-way to the curb line):
  - Existing and proposed building structures
  - Driveways
  - Parking
  - Landscaping
  - Property lines (see attached example)
- ✓ One 8½ x 14 inch or 11 x 17 inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive aisles and parking with dimensions, and proposed changes to parcel/property lines (including lease lines) if applicable.

**CERTIFICATION:**

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Michael Loyd Sign: [Signature] 10/5/15  
(Property Owner or Authorized Agent of Signature) (Date)

Print name: \_\_\_\_\_ Sign: \_\_\_\_\_  
(Applicant) (Date)

**ONLY NEEDED IF APPLICABLE:**

Print name: \_\_\_\_\_ Sign: \_\_\_\_\_  
(Authorized Agent Signature) (Date)

**DEPARTMENT OF CITY PLANNING**

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)

**CIVIC LEAGUE INFORMATION**

Civic League contact: Poplar Hall - Marvin Rawls Mabob\_rawls@yahoo.com

Date(s) contacted: 10-5-15

Ward/Super Ward information: \_\_\_\_\_

**CERTIFICATION:**

**I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:**

Print name: John E. Kerner Sign:  10/14/ 2015  
(Property Owner or Authorized Agent of Signature) (Date)

Print name: \_\_\_\_\_ Sign: \_\_\_\_\_ / \_\_\_\_ / \_\_\_\_  
(Applicant) (Date)

**ONLY NEEDED IF APPLICABLE:**

Print name: \_\_\_\_\_ Sign: \_\_\_\_\_ / \_\_\_\_ / \_\_\_\_  
(Authorized Agent Signature) (Date)





## Pollock, Susan

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**From:** Straley, Matthew  
**Sent:** Tuesday, October 27, 2015 3:06 PM  
**To:** 'Poplarhallcivicleague@yahoo.com'  
**Cc:** Riddick, Paul; Williams, Angelia M.; Goldin, Jamie; Pollock, Susan  
**Subject:** new Planning Commission application - 5633 E Virginia Beach Boulevard  
**Attachments:** JM&M Automotive.pdf

Mr. Rawls,

Attached please find the application for a for a special exception to operate an automobile and truck repair facility at 5633 E. Virginia Beach Boulevard.

The item is tentatively scheduled for the December 10, 2015 Planning Commission public hearing.

Should you have any questions, please e-mail or call *Susan Pollock Hart* at (757) 664-4765, [susan.pollock@norfolk.gov](mailto:susan.pollock@norfolk.gov)

Thank you.

**Matthew Straley**

GIS Technician II

Norfolk Department of City Planning

810 Union Street, Suite 508 | Norfolk, Virginia 23510

[Matthew.Straley@norfolk.gov](mailto:Matthew.Straley@norfolk.gov) | Tel: 757-664-4769 | Fax: 757-441-1569